



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/966,944	09/27/2001	Robert A. Dunstan	42390P11892	5051

8791 7590 04/19/2006

BLAKELY SOKOLOFF TAYLOR & ZAFMAN  
12400 WILSHIRE BOULEVARD  
SEVENTH FLOOR  
LOS ANGELES, CA 90025-1030

EXAMINER

TRAN, NGHI V

ART UNIT	PAPER NUMBER
----------	--------------

2151

DATE MAILED: 04/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/966,944

Applicant(s)

DUNSTAN, ROBERT A.

Examiner

Nghi V. Tran

Art Unit

2151

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 17 March 2006.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-14 and 16-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14 and 16-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on February 17, 2006 has been entered.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 1, 6, 13, and 18 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The applicants wrote "the electronic device achieves plug-n-play operability without using a protocol" (emphasized added). The examiner cannot find any support for this limitation. The examiner considers the "without" as a negative limitation. According to MPEP2173.05(i) "Any negative limitation

or exclusionary proviso must have basis in the original disclosure". Since the applicants does not positively describe that the electronic device achieves plug-n-play operability without using a protocol.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-14 and 16-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cheng, U.S. Patent Application Publication No. 2002/0078161 (hereinafter Cheng), in view of Ayyagari et al., U.S. Patent Application Publication No. 2001/0033554 (hereinafter Ayyagari).

6. With respect to claims 1, 6, 13, 18, and 23-30, Cheng teaches an apparatus [fig. 1 and see abstract] comprising: an electronic device [i.e. UPnP controller (UCP) **120**] for coupling to a home network system [figs. 1-2], the electronic device having a memory device, the memory device contains a remote location's complete address [i.e. IP address] to a page storing one of control and characteristic information for the electronic device, one of the control and the characteristic information is retrieved from the remote

Art Unit: 2151

location if the home network system does not have the one of control and the characteristic information stored [paragraphs 0019 and 0025-0033].

However, Cheng does not explicitly show the electronic device achieves plug-n-play operability without using a protocol.

In a communication apparatus, Ayyagari suggests the electronic device achieves plug-n-play operability without using a protocol [i.e. implementing a universal plug and play functionality on a Bluetooth protocol stack without providing support for IP, see claim 14].

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Cheng in view of Ayyagari by achieving plug-n-play operability without using a protocol because this feature is capable of communication with each other in lack IP support [Ayyagari, paragraph 0047]. It is for this reason that one of ordinary skill in the art at the time of the invention would have been motivated in order to use services in addition to discovering and announcing availability of services [Ayyagari, paragraph 0049].

7. With respect to claims 2, 8, and 16, Cheng further teaches the complete address includes one of a complete uniform resource locator (URL) and a complete Internet protocol (IP) address to a specific page for the electronic device [paragraph 0027].

8. With respect to claims 3 and 8, Cheng further teaches the electronic device's characteristics and control information is maintained at the remote location [fig.1 and paragraphs 0028-0030].

9. With respect to claims 4 and 10, Cheng further teaches the electronic device is a consumer electronic (CE) device [120 i.e. UPnP controller].

10. With respect to claims 5 and 12, Cheng further teaches the electronic device transmits the complete device identification information [paragraph 0066 i.e. a service identification] on a device specific bus [205] when coupled to the device specific bus [figs.1-2 and paragraphs 0008-0009].

11. With respect to claim 7, Cheng further teaches a central processing device [130 i.e. file server] coupled to the home network; a central memory device coupled to the central processing device; and a display coupled to the central processing device [paragraphs 0040-0058].

12. With respect to claim 11, Cheng further teaches the remote network is one of the Internet and an Intranet [paragraphs 0008-0009].

13. With respect to claims 14 and 19, Cheng further teaches using the device's characteristic information to control the device; determining whether the stored

Art Unit: 2151

characteristic information needs to be updated; and replacing the stored characteristic information with new characteristic information if the stored characteristic information needs to be updated [paragraphs 0018-0030].

14. With respect to claims 17 and 22, Cheng further teaches displaying information on a display device [fig.1 and paragraphs 0004-0007].

### ***Response to Arguments***

15. Applicant's arguments with respect to claims 1-14 and 16-22 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nghi V. Tran whose telephone number is (571) 272-4067. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Zarni Maung can be reached on (571) 272-3939. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2151

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

NT

Nghi V Tran  
Patent Examiner  
Art Unit 2151



**ZARNI MAUNG**  
**SUPERVISORY PATENT EXAMINER**